IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.Rev.Pet.No. 2457 of 2007()

CC.332/1994 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O), ERNAKULAM

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REVN. PETITIONER: 1ST ACCUSED

A.A.ABOO, AGED 72 YEARS, S/O.ABDU,
ARACKAL HOUSE, KHANNA NAGAR, KORATTI,
TRICHUR DISTRICT.

BY ADV. SRI.K.S.BABU
SMT.N.SUDHA
SRI.ANTONY MATHEW
SMT.C.SEENA

RESPONDENTS: COMPLAINANTS

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1. CHIEF ENFORCEMENT OFFICER,
ENFORCEMENT DIRECTORATE, GOVERNMENT OF INDIA,
5/2145, MAVOOR ROAD, WAFA BHAVAN, KOZHIKODE-1.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

3. UNION OF INDIA,
MINISTRY OF FINANCE, REPRESENTED BY ITS
SECRETARY, NEW DELHI.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl.R.P. No. 2457 OF 2007 B

Dated this the 2nd day of July, 2007

O R D E R

The revision petitioner is the accused in C.C.No.332/1994 on the file of the Additional Chief Judicial Magistrate (Economic Offences), Ernakulam. The aforesaid case originated on a complaint filed by the Chief Enforcement Officer, Enforcement Directorate, Kozhikode against the revision petitioner and another person alleging offences punishable under sections 9(1)(b) and 9(1)(d) read with section 64(2) of the Foreign Exchange Regulation Act, 1973. The revision petitioner challenges the order passed by the trial court on 14.6.2007 closing the defence evidence and posting the case for hearing to 23.6.2007 and subsequently to 13.7.2007 for the reason that the presence of the defence witness could be secured on 14.6.2007.

2. The learned counsel for the revision petitioner submitted that the prosecution evidence in this case had started in the year 1999 and while the prosecution was given an opportunity to adduce evidence till 2005 the defence has not been given adequate opportunity to get all their witnesses examined. In the light of the above submission, a report from the trial court was called for and obtained. That court has reported that the prosecution evidence in this case was started on 21.4.1999 and

was closed on 17.3.2005 and the defence counsel has filed two witness schedules on 16.5.2005 and 15.11.2006 consisting of 12 and 20 witnesses respectively and out of the 32 defence witnesses 13 were examined and the presence of the rest of the witnesses could not be secured even after taking coercive steps.

3. After hearing the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that the petitioner should be given one more opportunity to examine such of the remaining witnesses whose examination is considered necessary by the trial Magistrate. Accordingly, that court shall give the petitioner one more opportunity to examine the said witnesses. In case the attendance of those witnesses before court cannot be secured even after coercive steps taken once more, it shall be open to the Magistrate to close the defence evidence and proceed to the further stage of the case.

This revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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